

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2313 of 1998

with

SPECIAL CIVIL APPLICATION No 2317/98, 2320/98, 2322/98  
2324/98, 2325/98, 2327/98

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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BALVANTSINH KALUSINH PARMAR

Versus

AMC

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Appearance:

MR CJ VIN for Petitioner

MR HS MUNSHAW for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/07/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioners were appointed on daily wages as Survey Boys. They were given appointment on daily wages as there was temporary increase in work of survey in the Corporation. Naturally daily wage appointment means the petitioners are getting work on the day on which work was there for them. The petitioners were continued for some time as daily wagers as what now they have come up with the case that they have completed more than 240 days' services and have acquired a right of regularization in their services. The petitioners having apprehension of termination of their services filed these Special Civil Applications before this Court. Prayer has been made by them in these Special Civil Applications for declaring annexure-A to be illegal. Second prayer has been made for direction to the respondents to regularize their services and confirming them on the post of Survey Boy with all the benefit. Last prayer has been made to restrain the respondents from terminating their services.

#. Under annexure-A, directions have been given to the concerned department by the Municipal Commissioner of the Corporation to make appointments on the post available in the Corporation by process of recruitment. To such directions, no exception can be taken. The petitioners were given daily wage appointments and on being asked by the Court, the learned counsel for the petitioners fairly submitted that these appointments were made without any selection. Even if it is taken that the petitioners have completed 240 days services, I fail to see how it has any relevance in the matter. In such matters, at the most where the respondents decided to terminate the services of such class of persons, provisions of Section 25F of the Industrial Disputes Act are to be followed but only on the completion of 240 days' services the petitioners have not acquired any permanent status on the post. Otherwise also, merely on apprehension of termination, the petitioners have come up before this Court. During the course of arguments, the learned counsel for the respondents has given out that the services of the petitioners were terminated long back.

#. The learned counsel for the petitioners submitted that this termination has been made in violation of the interim order of this Court. That is not the question here and also difficult to accept as the petitioners have not taken any action for non compliance of or flouting of the order of interim relief of this Court passed in these matters. In both the cases whether termination is not made or whether termination is made, otherwise also, this writ petition is wholly misconceived. In such matters, if they have really some substance against their

termination they can approach to the Labour Court by raising industrial dispute on termination of their services.

#. By making these daily wage appointments, the Corporation did one thing, i.e. only to unnecessarily increase the workload of this Court. Only in the case of urgent and temporary increase of work and that too of essential services, there may be some justification to make temporary appointment for short term or daily wage appointment but with the specific condition of termination of their services on completion of work and their services are to be terminated accordingly so that unnecessary litigation may not come before this Court. At one point of time, I thought of restraining the Corporation from making such appointments but as what the learned counsel for the respondents has given out that now the Corporation has given necessary directions to all the Departments to make recruitment only on regular basis, this Court is not interfering considered it to be appropriate to give directions in these matters.

#. In the result, all these Special Civil Applications fail and the same are dismissed. Rule discharge. No order as to costs.

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(sunil)